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NATURAL LAW AND THE STATE

John William Draper, in his *Intellectual Development of Europe*, has written, "Social advancement is as completely under the control of natural law as is bodily growth. . . . The life of an individual is a miniature of the life of a nation." De Quincey has said, "a code of law is not a spasmodic effort of gigantic talent in any one man or any one generation; it is a slow growth of accidents and occasions expanding with civilization and dependent upon time as a multiform element in its development." Motley has declared, "History can have neither value nor charm for those who are not impressed with a conviction of its continuity."

These are texts which clearly direct the mind to the great drama of moral and intellectual emancipation having the world as its stage and the nations of the world as its actors, and the judgment of the thoughtful observer must be that the cataclysm of unrest now so markedly sweeping over the globe is something more than mere accident. It is Nature, the greatest of stage managers, planning and rehearsing the mighty play of Life, with Natural Selection standing on one side of her and Survival of the Fittest on the other,—able and invincible assistants and coadjutors in the work. A look at the past, before one turns to study the present, will deepen this impression, for it will appear that since man first developed the social instinct, the aim of nature has been to evolve the moral and intellectual senses through association rather than through the isolation of the individual. It will be seen that the process has always taken the direction of a struggle for freedom,—vague at first but gradually becoming more and more subjectively and objectively intelligent. Careful consideration of the revolutions of the world's yesterdays will indicate that where the aim was the product of unrest simply, whether from an imperfect conception of the meaning of liberty or from a desire to attack existing power only to possess rather than to create, they have failed; but, on the other hand, where there has been coöperation, based upon a sense of social interdependence, they have been crowned with success.

The true development of the individual is brought about by a constant process of self-repression, of the resistance to self-indulgence where this conflicts with the rights or comforts of his fellows. It will, then, be noted that as state organization has advanced, the struggles against power which have been victorious have shown upon the winning side a curious illumination of one-man influence as a palpable explanation of victory. However, where such individual greatness has been present it has increased in real importance only as it became more and more clearly a merged likeness, or representation,—even a spokesman,—of a thoroughly nationalized body, governed and enthused by the spirit of mutuality; and, to turn the penny, it is clear that the main cause of past failures has lain in the domination of one man fatally handicapped by undeveloped assimilating powers on the part of the people. Washington, for instance, was a great man, but is he not so mainly because he voiced, on the part of the whole people, a mature and dignified taste for freedom, and not a vague or ill-defined craving for independence? Is not this, too, in principle, substantially true of Lincoln and William the Silent? On the other hand, Pericles, Charlemagne, and Napoleon, all are but memories of a perished glory, because the people were subordinated to the individual.

The revolution following on the death of Cæsar resolved itself into a tyrannical oligarchy, which in turn became an empire chameleon-like in its quickly changing shades of splendor and decadence as it passed onward to its end. France, also, had her revolution, ill-timed, ill-conceived, and ill-fated, the scars of which she is bearing to this day; for it was begotten in violence, vengeance, and greed of power, and as they who created it sowed, so did they reap. The obvious reverse of this appeared, when the Barons of England met at Runnymede in the thirteenth century to protest against the encroachment of the king, John "Lackland," for this action was a noble and concerted movement against autocracy, and will always stand forth epochal, marking the beginning of England's true greatness, even as the sturdy resistance of the Dutch against Spain resulted in 1609, after forty-three years of bitter warfare, in wealth and power and independence for their brave little land which set the high-

water mark of its glory. Each of these events, the one permanent the other temporary only, is perfectly typical of those righteous encroachments of the proper holders of the land upon the assumed control of the great feudatories which finally, during the reign of the Second Charles, brought on a rapid decline of the whole outgrown system. Mutuality of effort, unconscious, perhaps, but none the less real, swept aside forever peculiarly degrading social conditions and the constant menace of war, and ushered in the more promising atmosphere of what may be termed pure politics.

This reference to the period of the "most unfortunate though most deserving of the Stuarts" suggests that what Coleridge has called "that grand crisis of morals, religion and government, Charles I and his times," is another notable instance, in the evolution of England, of the thesis now under consideration, lying open to the ready tracing of all students from the uprising of the Parliament and people through the iron-handed, but distinctly formative, period of Cromwell, and so down through the reign of James II and the revolution of 1688, culminating in the Bill of Rights. Finally, out of the American Revolution came a nation which has gradually grown along the lines of unity and strength, forming a striking contrast to Holland, that one singular instance of retrogression out of the great nationalistic movement of the past. The Netherlands is comparatively insignificant to-day, which is inexplicable, unless the solution of the problem lies in the thought that succeeding generations have gradually lost the strain of patriotic ambition, so eminently present in their forebears, and have sought, in place of it, the creature comforts which go with a mistaken though honest conservatism.

The struggle for national existence is now proceeding upon a plane where conservatism has no place. Natural selection, through assimilative knowledge, which found its expression in invention and the adoption of invention, has placed all quarters of the world within easy contact. It has set the nations in one general atmosphere charged with energy; the atmosphere of the Rousseau democracy, which proclaims that sovereignty resides in the whole mass of the people, and that no government is morally legitimate which does not rest upon a decision in which

the whole nation takes part. Whilst each seemingly separate movement takes on its own form and color according to local conditions, all will be found to be, in fact, but the many parts of one and the same great movement.

Yesterday's uprising of the people in China and the maturity of their design, shown in sane as well as zealous efforts to effect representative government, have occupied the attention of the civilized globe for many months.

In 1909 Great Britain handed autonomy over to the Transvaal, Orange River Colony, Natal, and Cape Colony; and the allaying of restlessness in India is engaging her serious attention to-day, as has been evidenced by the striking concessions of the King at the recent Delhi Durbar. It looks as if England has at last determined that there is only one valid excuse for her domination in the East, and that this lies in an honest, faithful trusteeship.

Persia has apparently lost her Nationalist fight, but none can take away the record of a battle intelligently made, and, mayhap, the same energy will kindle the ashes of present defeat into a flame of future victory.

About 1904 started in Russia the first potent popular revolt against the supreme autocracy of the Czar, and from that day onward can be seen the growing influence of the people's Douma.

In Germany the Socialistic Democratic control of the Reichstag marks an immense step in emancipation from the traditions of Imperialism; the growth of Liberal ideas is, indeed, so rapid and decided that it can be but a matter of time till ministerial responsibility will be achieved.

In 1910 universal suffrage was granted in Norway even while the converse was appearing in nearby Finland, when a striving for independence which had covered a period of ten years was, for the time being at least, put an end to.

The anti-clerical movement, which so victoriously demonstrated itself in France in 1904, and which to-day is gaining ground in both Spain and Italy, is a revolt against papal supremacy and an advocacy of the separation between Church and State. In which same connection it may here be recalled

that what is termed "Modernism" has been said to be merely "the passionate efforts of those who wish to live in the modern world, and, at the same time, both to preserve their own Catholicism and to hand it on to the future as a living religion."

In Japan, with the sanction of the authorities, a Socialist party has been organized, having as its aims the spreading of the doctrines of Socialism within the limits allowed by law, and the advancement of the interests of labor. After revolts against monarchical abuses, Cuba and Portugal have become republics, and if Mexico's present efforts to maintain self-government have a melancholy interest because they seem bound to fail, one may lay the blame to inherent and congenital weaknesses.

Nowhere, however, have absolute mutuality and coöperation, as to rules of national conduct, been so manifest as in the United States and England. In the former one hears everywhere the insistent voice of the people for a balance of power. Unlawful trusts and monopolies are being met with the antagonism of an unbroken front, and the sentiment of the referendum, the recall of legislators and public officials, the demand for higher judicial ideals, and for a tariff which will prevent unjust discrimination while protecting the consumer and producing healthful competition, are far-reaching in effect. Across the Atlantic, Labor Unionism is developed to a remarkable degree, the House of Lords has become emasculated and the House of Commons exalted. Heretofore untaxed lands, owned by the great aristocrats, are now compelled to pay revenue to the State, and there are Old Age Pensions, Labor Insurance, and, last but not least, the Nationalist movement for Ireland, more likely to be realized than ever before.

Both past and present, then, show a constant struggle for existence with the sifting processes of extinction and survival as inexorable and immutable agencies, and as the centuries have come and gone, this sifting has each time left something better than the last. Some nations have passed entirely, some have stood still, but others have gone ahead. There is too much precision and regularity about it all to deny the potentiality of law. So it may come that a philosophic mind involuntarily will seek the Darwinian theory for light.

That great observer, it will be recalled, resolves the whole plan of animal creation into an orderly and systematic evolution of the existing creatures from at most four or five progenitors, and traces the plant kingdom from an equal or lesser number. He does not absolutely assert it but he suggests that elimination could be carried still further so as to confine animal and plant origin to one progenitor for each. His idea is that the first step consisted in variations from an original type and that these variations, as they struggled for existence, came under the domination of natural selection and the survival of the fittest, and so gradually developed into distinct species, in which growth geographical distribution and climatic conditions had played an important part. As a species became dominant in its environment the extinction of that which it replaced was inevitable.

All animal nature is governed by laws, which, taken in the largest sense, are growth with reproduction; inheritance by reproduction; variability from the indirect and the direct action of the conditions of life, and from use and disuse; a ratio of increase so high as to create a struggle for life, leading to Natural Selection, entailing divergence of character and the extinction of less improved forms. Some forms of varieties are allowed to exist in a low state of development because if there is no advantage to be gained Natural Selection passes them over and they are left unimproved or little improved,—merely permitted to exist because, probably, of some yet undiscovered use and helpfulness to species then or to become predominant. It is to be carefully observed that, throughout the working of Natural Selection, the individual is a type and its integral importance is subordinated to that of the species or variety to which it belongs. This is due, in large part at least, to a dominant social instinct implanted in the animal as well as in the man.

When Darwin comes to the discussion of man as part of the uninterrupted chain of animal creation he says that multiplication is at so rapid a rate as to give rise to many races, some of which differ so from all others as often to have been ranked by naturalists as distinct species, but “when the races of man diverged at an extremely remote epoch from their common progenitor, they will have been few in number; consequently

they will then, as far as their distinguishing characters are concerned, have had less claim to rank as distinct species than the existing so-called races, which, themselves, resemble each other in a multitude of points."

Darwin's argument is from the viewpoint of a naturalist,—a magnificent, orderly presentation of continuity and sequence in physical development. It remained for Benjamin Kidd to point out that the great natural laws of the Darwinian theory evolved, out of the social instinct in man, communities and states, over which their dominion will never cease. The main points of this doctrine are, that the sacrifice of the individual, not merely in the interest of his fellows around him, but in the interests of generations yet unborn, is inevitable; that the accomplishments of modern civilization are primarily the measure of modern man's social stability and efficiency and not of the intellectual preëminence of those who have produced them; that these accomplishments are the result of accumulations of knowledge obtained and added to by many minds through countless generations, and that the natural process at work in society is evolving religious character as the first and most important product. Upon these points, Kidd claims, depends the survival or extinction of society or states.

Now, from what history relates, as from what is actually seen, it must appear that the races and nations of the earth have been and are moving towards a plane of homogeneity; that this movement is intellectual and moral rather than physical; that its conspicuous phase is the growing unimportance of the individual as a leader, and the proportionate growth of mutuality in purpose and undertaking. What one calls the great names in history are, after all, but steps in the evolutionary process. Each has influenced his own time or epoch and helped prepare the way for the next. It is not, however, to be gathered from this that the value of individuality is to be minimized; what is meant is that it must find its highest expression in ambitions which comprehend the general good. The growth of the Democratic idea involves that social adjustment which will bring the component parts of a state intelligently and willingly into the positions they were meant to occupy, and the supremacy of the

individual will diminish just in proportion as the power and ability of the masses to apply increases. The inventor, for instance, pales before the many who not only can use his machine but gather from it mechanical ideas and improvements. A visit to any large factory will impress one with the high grade of intelligence among the workmen and the facility with which they suggest. It is the intelligence which comes from interdependence, and not from any teacher.

This is the keynote to the New Democracy. In its atmosphere and subject to its decrees the nations are struggling for life. At present England, the United States, and Germany seem most likely to survive—but who can tell?

As that physical body lasts longest which obeys the natural laws ruling it, so will it be with nations. The New Democracy is the direct outcome of natural processes working in society, and the nation will last longest which most perfectly, in the cycles of time to come, reflects its spirit. It is the crowning result of an ethical movement in which qualities and attributes which we have been all taught to regard as the very highest of which human nature is capable, find the completest expression they have ever reached in the history of the race.

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AUTHOR'S NOTE.—Since the writing of this article, Home Rule for Ireland has become an accomplished fact; and a war, unprecedented in scope, violence, and destruction, has commenced and is now raging in Europe. With a view to correcting any of his conclusions which might have proved inconsistent in the light of later events, the writer has carefully examined what has been written, but he feels that the present foreign situation provides a confirmation of all the main contentions above set forth. The surprise expressed editorially and otherwise that, in an age presumed to reflect a high degree of civilization, there should be such a struggle is hardly justified. As De Quincey says, war must be looked for until all nations stand upon equally high bases of moral and intellectual realization. Nothing could have averted this one. It was not caused by the potency of crowned heads, politics, and war machines; they have become simply the means by which natural law is working out the problem of survival. The racial and social complexities of beyond the seas have for some time indicated a coming crisis. Nature timed the breaking point and the method for carrying into effect her immutable decrees. Is it inappropriate to hazard the conclusion that the result of this war will give a tremendous impetus to the cause of Democracy throughout the world?